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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,807	08/07/2006	Alain Colin	6003.1075	2793
23280 7590 04/02/2012 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
BANH, DAVID H				
ART UNIT		PAPER NUMBER		
2854				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/588,807

**Applicant(s)**

COLIN ET AL.

**Examiner**

DAVID BANH

**Art Unit**

2854

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 11, 13-17 and 19-21 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 11, 13-17 and 19-21 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-608)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2011 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 13, 16, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Agne (US Patent 6,456,222).

For claim 11: Agne teaches a rotary element **M1**, in combination with other motors (see the Figure, the rotary element is the motor **M1**) comprising an encoder **G1** for generating a periodic first signal signal (see column 1, lines 15-20, the sensor generates a signal in response to the rotation of the motor, generating two pulsed signals **G1**, **G2**) in response to rotation of the rotary element **M1**; and an evaluation unit (see the Figure, the computer **L** together with regulators **AR1-AR5**) linked to the encoder **G1** having: a first synthesizer **GU1** (see column 3, lines 5-10, and the Figure

and column 3, lines 25-30, the sensor convertors convert the signal from encoder **G1** into a pulsed sensor signal for driving other drives, the description applying to **GU2**, however, **GU1** appears to be another synthesizer for a signal to drive multiple connected devices) for generating a second signal having a resolution ratio, a frequency ratio, and a phase relation to the first signal (see column 2, lines 47-51, column 3, lines 5-10, the signals are based on the signal from encoder **G1** and adapted to drive pulse controlled downstream connected devices and have their own resolution, frequency and phase), a control interface **L** for data exchange (see column 1, lines 20-25 and lines 30-50, the computer and regulator devices allow for selectable and programmable quantization intervals on the output end) coupled to the first synthesizer **GU1** for setting at least one of the resolution ratio, the frequency ratio and the phase relation of the first signal to the second signal based on data input by a user and transmitted to the first synthesizer (see column 1, lines 20-25, selectable quantization of a pulse), and a further synthesizer **GU2** coupled to the control interface for generating a further signal, the further signal having a further resolution ratio, a further frequency ratio, and a further phase relation to the first signal (see column 2, lines 404-45, a second synthesizer is provided, which provides a second signal, any signal necessarily has ratios and relations to a particular signal), the control interface for data exchange setting (see column 1, lines 20-25, the quantization interval is selectable to control diverse downstream appliances) at least one of the one of the resolution ratio, the frequency ratio and the phase relation of the first signal to the further signal based on data input by a user and transmitted to the further synthesizer (see Abstract, column 1, lines 5-10,

and column 2, lines 45-50, a second synthesizer is provided, synthesizers are provided for diverse production components, the components not necessarily being directly correlated, and thus the signals are mutually independent)

Agne teaches that its invention can be applied to control a plurality of drives having distinct resolution and frequency ratios (see column 1, lines 24-40, appliances not compatible with the main bus, appliances which are produced by different manufacturers) and are out of phase (see column 1, lines 30-40, there is nothing to suggest that two diverse drives produced by different manufacturers, or even two drives to be controlled in a typical apparatus, would have the same phase).

For claim 13: Agne et al. teaches the rotary element as recited in claim 11 and further teaches that the evaluation unit (see the Figure) includes at least one output interface **GU1**, the output interface outputting the second signal for driving a clock-pulse-controlled device (see column 1, lines 25-40, and column 2, lines 45-50).

For claim 16: Agne teaches the rotary element as recited in claim 11 and further teaches that the first and the second signals each are a sequence of signal pulses, a sequence of digital values, or a variable analog value (see column 3, lines 5-10 of Agne, **GU2** and correspondingly **GU1** generate a signal of pulses as the second signal).

For claim 21: Agne teaches the rotary element as recited in claim 11. Agne teaches that the second and further signals can be controlled with pulsed signals having a selectable and programmable quantization interval, thus allows for the signals to have different phase, resolution and frequency relative to the first signal.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 15, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agne (US Patent 6,456,222) in view of Eckelmeyer (US Patent 4,271,379).

For claim 14: Agne teaches the rotary element as recited in claim 11 and is silent as to whether a resolution of the second signal is smaller than a resolution of the first signal. However, Eckelmeyer teaches the necessity of reducing the resolution of the first signal forming a downstream signal of smaller resolution than the first signal to use in a downstream component **60** (see Fig. 2, the first signal generated by encoder **52** must have its resolution reduced by divider **80** to be compatible in comparator and controller **60-74**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to supply a second signal in Agne at a lower resolution than the first signal as taught by Eckelmeyer for the purpose of maintaining compatibility with devices which only accept the lower resolution.

For claim 15: Agne teaches the rotary element of claim 11 but does not teach that the evaluation unit includes at least one divider device connected upstream of the synthesizer for reducing a resolution of the first signal in a decoded state. However, Eckelmeyer teaches providing a divider **80** to reduce the resolution of a signal to make it

compatible with a downstream component **60** (see Fig. 2, the first signal generated by encoder **52** must have its resolution reduced by divider **80** to be compatible in comparator and controller **60-74**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a divider for reducing the resolution of the second signal by a factor as taught by Eckelmeyer upstream of the synthesizing portion of the synthesizer in Agne for the purpose of producing a signal compatible with a downstream device.

For claim 17: Agne teaches the rotary element of claim 11, but does not teach that the rotary element is a shaft but rather a motor **M1**. However, Eckelmeyer teaches measuring the rotation of a motor **25** by measuring the shaft **24** of the motor **25** with an encoder **52**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the shaft a motor as the rotary element instead of the motor as taught by Eckelmeyer with the rotary element of Agne for the identical purpose of determining the amount and rate of rotation of the motor.

For claim 19: Agne teaches the rotary apparatus of claim 11, and Agne leaves the invention open to a broad variety of applications, not specifying the rotary apparatus is an element of the folding apparatus. However, Eckelmeyer teaches a folding apparatus (see Fig. 1, printing units together with folder **14** can be considered a folding apparatus) which uses a rotary element (see Fig. 1) to control downstream elements **50** based on an encoder output **52** of an upstream element **25**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rotary element and output control system as taught by Agne to control a folding apparatus with

associated rotary printing units as taught by Eckelmeyer for the purpose of allowing the data communication between the respective components.

For claim 20: Agne teaches the apparatus of claim 11, and Agne leaves the invention open to a broad variety of applications without specifying that the rotary element is a component of the offset printing press. However, Eckelmeyer teaches an offset printing press (see Fig. 1, the printing unit constitutes an offset printing press). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rotary element and output control system as taught by Agne to control an offset printing press as taught by Eckelmeyer for the purpose of allowing data communication between respective components to cause controlled synchronization.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 11, 13-17 and 19-21 have been considered but are moot in view of the new rejection. Eckelmeyer is relied upon to teach an encoder emitting a pulse signal as a sensor for the motor.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-F 9:30AM - 8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

/Judy Nguyen/  
Supervisory Patent Examiner, Art Unit 2854